

Protocol for maintaining the currency and accuracy of visitable places registers

0 Background and context for the protocol

Official Visitors are independent statutory office holders who visit and provide oversight of visitable places. Visitable places are certain government or non-government residences or facilities where people reside and are in positions of vulnerability due to their reliance on service providers. People who reside in such places are called “entitled persons.” Official Visitors help safeguard the rights and wellbeing of entitled persons and to identify and monitor systemic issues and resolve or refer grievances. Official Visitors report to the relevant Operational Minister, and to the Minister for Human Rights, on their work.

Official Visitors are appointed to one of the following areas:

- Children and Young People - youth detention facility (Bimberi Youth Justice Centre) and places of residential care for children and young people
- Corrections - adult correctional centre (mainly the Alexander Maconochie Centre)
- Disability - specialist disability supported accommodation
- Mental Health - mental health facilities (such as Adult Mental Health Unit)/community houses
- Homelessness – homelessness services.

Official Visitors are guided in making visits, inquiries, and complaint resolution through the *Official Visitor Act 2012* (OV Act), *Official Visitor Guidelines 2020*, and internal policies and registers.

Official Visitors rely on the visitable places registers to know where and how their visiting efforts should be directed.

Under section 23DB of the OV Act, the relevant Director General for the visitable place must keep a register of each visitable place mentioned under the relevant operational Act. Subsection 2 specifies that the register must include the address of each visitable place, the contact details of a person who can provide access to the place (if that is relevant), and any information prescribed by the operational Act. The register may also include the name of each entitled person at each visitable place, the name and contact details of each operating entity for each visitable place, and if the operating entity is not an individual – the name, phone number and email address of an employee or volunteer based at the place and two employees of the entity.

1 Protocol

1.01 Purpose

This protocol establishes agreement and procedure between Directorates, Official Visitors, and the Official Visitors Board to maintain accurate and current visitable places registers.

1.02 Responsible entities

The following directorates must keep the visitable places registers under the following operational Acts:

Community Services Directorate

Children and Young People Act 2008

Disability Services Act 1991

Housing Assistance Act 2007

Justice and Community Safety Directorate

Corrections Management Act 2007

Health Directorate

Mental Health Act 2015

1.03 Timeliness

Directorates are to provide accurate and current visitable places registers on a periodic and timely basis.

Periodic basis is as agreed in writing between Official Visitors and the Directorates for the purposes of the operational Act.

Directorates are to provide visitable places registers to entitled parties listed in section 23DB(3) of the OV Act (as at protocol commencement, the Official Visitors Board, the Official Visitors Executive Officer, the Public Advocate, the Aboriginal and Torres Strait Islander Children and Young People Commissioner, a commissioner under the *Human Rights Act 2005*, and the Senior Practitioner) at least once a year. When the visitable places register for an operational Act is requested by an entitled party, as listed in section 23DB(3) of the OV Act, then the visitable places register must be provided by the Directorate for the operational Act to that entitled party within 2 business days from the date of request.

The Directorate requirement to provide visitable places register within 2 business days from the date of request does not apply if:

- a) the visitable places register is on a live environment, and
- b) the entitled party has been provided access permission to that register, and
- c) the entitled party can access the register.

1.04 Accuracy

Accuracy means:

- There is a commonly accepted definition and understanding of what constitutes a visitable place between the Directorates and the Official Visitors for the operational Act. Directorates and Official Visitors agree to cooperate on a common understanding of what constitutes a visitable place.
- All visitable places, as much as reasonably possible and to the extent that visitable places are known, are included in the visitable places register
- The minimum mandatory information requirements for each listed visitable place is included in the visitable places register as per s 23DB(2)(a) of the OV Act.

1.05 Proactivity to identify visitable places

Directorates agree to be proactive in identifying potential visitable places in those operational Acts where the visitable places definition can include visitable places not controlled by ACT government and whose numbers can change independently of ACT government. This can be undertaken by the Directorate for the operational Act or on behalf of a Directorate for an operational Act. Proactivity can include:

- Website or printable form for stakeholders to advise that they are operating a visitable place;
- Periodic correspondence to service providers and other stakeholders advising requirement to confirm if they operate any visitable places; and
- Meetings with the Official Visitor to discuss new services providers and places.

1.06 Information sharing between and within Directorates

At least one representative for a Directorate for the purposes of the operational Act will be responsible for contact with other Directorate representatives for the purposes of their operational Acts.

These Directorate representatives will communicate with each other on a periodic/regular or “live” basis to provide information to the other Directorate representatives.

The Directorate representatives will have access to information about visitable places (potential, actual and previous) across all or select, as appropriate, operational Acts.

1.07 Information sharing between Directorates and Official Visitors

Official Visitors can be included in any information sharing arrangements between Directorates.

Official Visitors can disclose details of unlisted visitable places to the Directorate for the purposes of the operational Act at any time. Information about a visitable place for the purposes of another Operational Act should be shared with representatives of the relevant Directorate. If the relevant Directorate finds that a disclosed place is a visitable place for the purposes of their operational Act, then that place must be included in the relevant visitable places register as soon as practicable.

Official Visitors may contribute or remove visitable places from a live register environment. Changes to a live register by an Official Visitor to be shared, if relevant, with other Directorate representatives.

Official Visitors for the purposes of an operational Act may be able to access information regarding visitable places for the purposes of an alternate operational Act.

1.08 Format of visitable places registers

Format of visitable places register will be as discussed between the Directorate and the Official Visitor appointed under the relevant operational Act, noting minimum information requirements for each visitable place under s 23DB of the OV Act.

1.09 Visitable place visitable under more than one operational Act

The *Official Visitor Guidelines 2020* or subsequent Official Visitor Guidelines provides guidance where a place is a visitable place under more than one operational Act.

1.10 Other agreements related to the protocol

This protocol may not adequately attend to evolving circumstances, or the above provisions may require adjustment to be appropriate for Official Visitors, Directorates, Official Visitors Board and other relevant stakeholders for an operational Act. This protocol does not preclude further agreements developed between Official Visitors, Directorates and the Official Visitors Board so long as they effect accurate and timely distribution of visitable places registers.

Copies of further agreements are to be distributed to the Executive Officer for ACT Official Visitors for recordkeeping. Agreements for the purposes of this provision will be included in an annexure.

1.11 Other support agreements

There may be other kinds of support agreements between Official Visitors, Directorates, Official Visitors Board and other relevant stakeholders for an operational Act not directly related to the provisions of this protocol. Development of support agreements should not contradict the provisions of this protocol, the *Official Visitor Act 2012*, and the *Official Visitor Guidelines 2020*.


Copies of support agreements are to be distributed to the Executive Officer for ACT Official Visitors for recordkeeping. Support agreements for the purposes of this provision will be included in an annexure.

1.12 Protocol review


This protocol is to be reviewed by the Official Visitors Board in two years' time or as appropriate. The Chair of the Official Visitors Board can hold a further Working Group meeting with Directorate and Official Visitor representatives regarding this protocol.

Date of this Protocol - 7 April 2025


SIGNED by the Director-General
Community Services Directorate

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) Signature of the Director-General, CSD
Catherine Rule

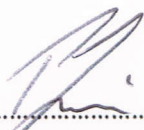
SIGNED by the Director-General
Justice and Community Safety Directorate

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)
) Signature of the acting Director-General,
JACSD
Ray Johnson

SIGNED by the Director-General
Health Directorate

) 
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) Signature of the Director-General, HD
Rebecca Cross

SIGNED by the Chair, ACT Official Visitors
Board

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) Signature of the Chair, ACT Official Visitors
Board
Peter Muir

2 Appendix

2.01 Definitions

Entitled person

Children and Young People Act 2008

Section 37

entitled person—

- (a) means a child or young person who is—
 - (i) detained in a detention place; or
 - (ii) confined at an intensive therapy place; or
 - (iii) accommodated in a place of care; and
- (b) includes—
 - (i) a young detainee who is 18 years old or older; and
 - (ii) a person prescribed by regulation.

Corrections Management Act 2007

Section 57

entitled person means—

- (a) a detainee at a correctional centre; or
- (b) a person prescribed by regulation.

Disability Services Act 1991

Section 8A

“entitled person means a person with disability.”

Housing Assistance Act 2007

Section 25V

entitled person means a person—

- (a) who is homeless or at risk of homelessness who is staying in a visitable place; or
- (b) prescribed by regulation.

Mental Health Act 2015

Section 208

entitled person means a person—

- (a) receiving treatment, care or support for mental disorder or a mental illness—
 - (i) at a visitable place; or
 - (ii) at a place other than a visitable place under an order under this Act; or
- (b) prescribed by regulation.

Register of visitable places

Official Visitor Act 2012

Section 23DB

(1) The relevant director-general for a visitable place must keep a register of each visitable place mentioned under the relevant operational Act.

(2) The register—

(a) must include—

- (i) the address of each visitable place; and
- (ii) if relevant for a visitable place—the contact details of a person who can provide access to the place; and
- (iii) any information prescribed by an operational Act; and

(b) may include—

- (i) the name of each entitled person at each visitable place; and
- (ii) the name and contact details of each operating entity for each visitable place; and
- (iii) if an operating entity for a visitable place is not an individual—the name, phone number and email address of the following:
 - (A) an employee or volunteer based at the place;
 - (B) 2 employees of the entity.

Visitable place

Children and Young People Act 2008

Section 37

visitable place means—

- (a) a detention place; or
- (b) a place outside a detention place if a detainee is, or has been, directed to work or participate in an activity at the place; or
- (c) an intensive therapy place; or
- (d) a place of care.

Corrections Management Act 2007

Section 57

visitable place means—

- (a) a correctional centre; or
- (b) a place outside a correctional centre if a detainee is, or has been, directed to work or participate in an activity at the place.

Disability Services Act 1991

Section 8B

visitable place—

- (a) means accommodation provided to an entitled person for respite or long-term residential purposes; and
- (b) includes—

- (i) accommodation that is owned, rented or operated by a specialist disability service provider; and
- (ii) accommodation at which a specialist disability service provider provides a specialist disability service; and
- (iii) a residential aged care facility that accommodates the entitled person.

(2) However, a visitable place does not include the following accommodation provided to an entitled person:

- (a) a private home if the person receives a specialist disability service at the home only from a person who is not a specialist disability service provider;
- (b) a private home if the person lives in the home with at least 1 adult family member who does not receive a specialist disability service from a specialist disability service provider at the home;
- (c) accommodation if the only specialist disability service the person receives at the accommodation is a type of service declared by the Minister not to require visitation;
- (d) a residential aged care facility if the person is 65 years old or older when they first receive a specialist disability service (whether at the facility or elsewhere).

Housing Assistance Act 2007

Section 25V

visitable place means either of the following kinds of accommodation for people who are homeless or at risk of homelessness, provided by an entity funded by the Territory:

- (a) multiple occupancy supported accommodation;
- (b) single occupancy independent accommodation.

Mental Health Act 2015

Section 208

visitable place means—

- (a) a mental health facility; or
- (b) a long-term residential accommodation facility or respite facility at which a person receiving treatment, care or support for mental disorder or a mental illness may stay; or
- (c) a place in a correctional centre where a detainee is receiving treatment or care for mental disorder or a mental illness for the period in which the treatment, care or support is given to the detainee.

2.02 Abbreviations

OV Act – *Official Visitor Act 2012*